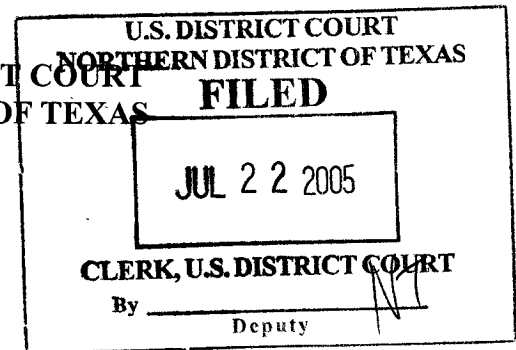


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



SENIOR LIVING PROPERTIES, L.L.C. TRUST,

Plaintiff,

vs.

CLAIR ODELL INSURANCE AGENCY, LLC
d/b/a CLAIR ODELL GROUP, and MELLON
INSURANCE AGENCY, INC.

Defendants.

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C. A. NO. 3 04-CV-0816-G

**DEFENDANTS CLAIR ODELL INSURANCE AGENCY, LLC d/b/a
CLAIR ODELL GROUP AND MELLON INSURANCE AGENCY, INC.'S
DESIGNATION OF REBUTTAL EXPERT WITNESS**

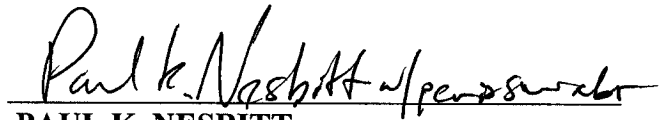
Defendants Clair Odell Insurance Agency, LLC and Mellon Insurance Agency, Inc., pursuant to this Court's Amended Order Establishing Schedule and Certain Pretrial Requirements, hereby designate an additional witness who may offer expert testimony solely to rebut evidence on the same subject matter that Plaintiff may offer at trial of this action, as follows:

DAVID L. SARGENT
HERMES SARGENT BATES, LLP
901 Main Street, Suite 5200
Dallas, Texas 75202
(214) 749-6000 - Telephone
(214) 749-6100 - Facsimile

Mr. David L. Sargent is an attorney who is duly licensed in the State of Texas, admitted to practice before the United States District Courts of the Northern District of Texas, and familiar with the reasonable value of attorneys' fees customarily charged in commercial litigation matters in the United States District Courts of the Northern District of Texas. He will provide rebuttal testimony on attorneys' fees claimed by Senior Living Properties LLC Trust in this litigation. Mr. Sargent's CV is attached.

Clair Odell and Mellon reserve the right to supplement this Designation in accordance with this Court's Amended Order Establishing Schedule and Certain Pretrial Requirements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul K. Nesbitt", is written over a horizontal line.

PAUL K. NESBITT

State Bar No. 14920500

**Attorney-in-Charge for Clair Odell Insurance
Agency, LLC and Mellon Insurance Agency,
Inc.**

OF COUNSEL:

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CERTIFICATE OF SERVICE

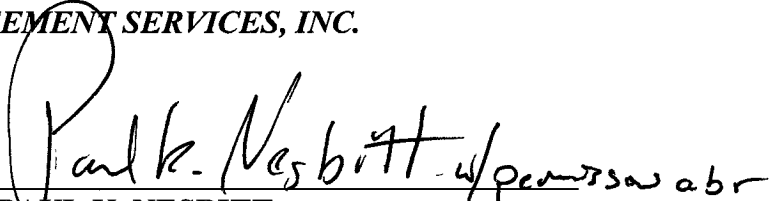
This is to certify that on the 22ND day of July, 2005, a true and correct copy of the foregoing was transmitted by way of **Certified Mail and Facsimile** to all counsel of record as follows:

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Mr. Sargent is a founding partner of Hermes Sargent Bates, L.L.P., of Dallas, Texas. He has practiced most of his legal career in the Dallas area and is familiar with legal practices and customs in the Dallas/ Fort Worth community, including reasonable and customary legal fees. He has represented clients throughout Texas, and especially in Dallas, in a wide variety of legal disputes.

Mr. Sargent's clientele is diverse. He has represented trucking companies, nursing home providers, insurers, and individuals in commercial and tort litigation. He has extensive trial experience and has tried cases at both the state and federal levels.

His area of practice is also diverse. He has represented his clients in employment disputes, tort litigation, commercial litigation, and contractual and declaratory judgment actions. Many of these claims were resolved in trial or through arbitration, giving him the knowledge of what steps are involved in bringing a matter to trial.

Mr. Sargent graduated *cum laude* in 1981 from the Texas Tech University School of Law. He is "AV" rated by Martindale-Hubbell and was selected as a "Texas Super Lawyer" by *Texas Monthly* and *Law & Politics* magazines. He is a member of the Texas Association of Defense Counsel, Defense Research Institute, International Association of Defense Counsel, American Bar Association, Dallas Bar Association and a charter member of the Trucking Industry Defense Association. He is a member of the State Bar of Texas as well as admitted to practice before the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.